

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF ALASKA**

3  
4       UNITED STATES OF AMERICA,  
5                                   Plaintiff,  
6                   v.  
7       FRANKLIN GENE EYCHESON,  
8                                   Defendant.

Case No. 3:23-cr-00022-TMB-KFR

9  
10                   **FINAL REPORT AND RECOMMENDATION UPON A PLEA OF GUILTY**

11           Upon Defendant's request to enter a guilty plea, pursuant to Rule 11 of the  
12       Federal Rules of Criminal Procedure, to Count One of the Indictment, charging a  
13       violation of 18 U.S.C. § 1542, Passport Fraud, [Doc. 2], the District Court referred  
14       this matter to the Magistrate Judge, with the written and verbal consents of  
15       Defendant, counsel for Defendant, and counsel for the United States.

16           Thereafter, the matter came before this Court for a hearing on Defendant's  
17       guilty plea, in full compliance with Rule 11, Federal Rules of Criminal Procedure, in  
18       open court and on the record.

19           In consideration of that hearing and the colloquy made by the Defendant under  
20       oath, on the record, in the presence of counsel, and the remarks of the Assistant  
21       United States Attorney,

22           **A. I make the following FINDINGS – that the Defendant understands:**

- 23           ☒ That any false statements made by the Defendant under oath may later  
24           be used against him in a prosecution for perjury;  
25           ☒ The right to persist in a plea of not-guilty;  
26           ☒ The consequences of not being a United States citizen;  
27           ☒ The nature of the charges against the Defendant;  
28           ☒ The loss of certain federal benefits;

- 1           ☒ The maximum possible sentence, including imprisonment, fine,  
2           supervised release, and any applicable mandatory minimum sentence;  
3           ☒ The Court's authority to order restitution;  
4           ☒ The mandatory special assessment;  
5           ☐ Any applicable forfeiture;<sup>1</sup>  
6           ☒ The right to a speedy and public trial by jury;  
7           ☒ The right to be represented by counsel and, if necessary, to have the  
8           Court appoint counsel at trial, and at every other stage of the  
9           proceedings;  
10          ☒ The right to: confront and cross-examine adverse witnesses, to remain  
11          silent, to testify and present evidence, and to compel the attendance of  
12          witnesses;  
13          ☒ That a plea of guilty operates as a waiver of trial rights;  
14          ☒ That the Defendant knowingly, intelligently, and voluntarily waives all  
15          right to appeal or collaterally attack (except on the grounds of  
16          ineffective assistance of counsel and the voluntariness of his plea); and  
17          ☒ That in determining a sentence, the Court's obligation to calculate the  
18          applicable sentencing guideline range pursuant to the Sentencing  
19          Guidelines promulgated by the United States Sentencing Commission  
20          and to consider that range, as well as departures under the Sentencing  
21          Guidelines, and variances under 18 U.S.C. §3553(a).

22           **B. I further FIND:**

- 23           1. The Defendant is competent to enter an informed plea;  
24           2. The Defendant is aware of his rights and has had the advice of legal  
25           counsel;  
26  
27

---

28           <sup>1</sup> The Indictment did not include a forfeiture allegation.

- 1 3. That the plea of guilty by the Defendant has been knowingly and  
2 voluntarily made and is not the result of force, threats, or coercion;  
3 4. There is no agreement between the parties in this open plea; and  
4 5. That there is a factual basis for the Defendant's plea.

5 **B. I RECOMMEND:**

- 6 ☒ That the District Court accept the Defendant's plea of guilty to Count One  
7 of the Indictment, a violation of 18 U.S.C. § 1542, Passport Fraud. Count  
8 2 to be dismissed at sentencing.  
9 ☐ That the District Court accept the Defendant's admission to the Criminal  
10 Forfeiture Allegation.


11 **D. IT IS ORDERED:**

12 That a Presentence Report be prepared by the U.S. Probation Office.

- 13 1. Any objection(s) to the presentence report shall be filed no later than  
14 fourteen (14) days after receiving the presentence report (Fed. R. Crim.  
15 P. 32(f)(1));  
16 2. Any sentencing memorandum shall be filed no later than seven (7)  
17 business days prior to sentencing (D.Ak. L.Cr.R. 32.1(d)).

18 The Sentencing hearing will be before the United States District Judge. The  
19 court excludes time from September 6, 2022, until the time of sentencing pursuant  
20 to 18 U.S.C. §3161(h)(1)(G) on the grounds that the District Judge will be considering  
21 the proposed plea agreement.

22 DATED this 18th of October 2023, at Anchorage, Alaska.

23  
24   
25 KYLE B. PEARSON  
26 United States Magistrate Judge  
27 District of Alaska  
28

This Report and Recommendation is being issued as a Final Report and

1 Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be  
2 considered by the District Court Judge who will accept, reject, or modify the  
3 recommendation following de novo review. Any objections must be filed within  
4 seven (7) days from the date of service of this Report and Recommendation. The  
5 shortened objection deadline is due to the request of the District Court Judge. Fed.  
6 R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court to alter the standard  
7 objection deadlines.

8  
9 Reports and recommendations are not appealable orders. Any notice of appeal  
10 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District  
11 Court's judgment.<sup>2</sup>

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 

---

<sup>2</sup> See *Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).